

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS E. HUMPHREY,)
Plaintiff,)
vs.) Civil Action No. 14-1349
Chief Magistrate Judge Maureen P. Kelly
JOHN E. WETZEL *Jointly and Severally*)
sued in their individual and official)
capacities; BRIAN COLEMAN Jointly and)
Severally sued in their individual and)
official capacities; VINCENT MAZESKI)
Jointly and Severally sued in their)
individual and official capacities; CAPT.)
TREMPUS *Jointly and Severally sued in*)
their individual and official capacities;)
Officer SKOBOL *Jointly and Severally*)
Sued in their individual and official)
Capacities; Officer PEBINGTON Jointly)
And Severally sued in their individual and)
official capacities,)
Defendants.)
Re: ECF No. 15

MEMORANDUM ORDER

Douglas E. Humphrey (“Plaintiff”), an inmate in the State Correctional Institution at Fayette (“SCI-Fayette”), has presented a civil rights complaint, which he has requested leave to prosecute without prepayment of costs, alleging that during the course of his on-going incarceration, Defendants improperly confiscated his personal legal material in violation of his right of access to the courts as provided by the First Amendment.

Presently before this Court is Plaintiff’s Motion for Service of a Subpoena by U.S. Marshal, ECF No. 15, by which Plaintiff seeks to have a subpoena served on Fidelity Investments, a non-party to this suit.

The Motion is **DENIED** without prejudice to being refiled once a dispositive motion and/or an Answer has been filed and the issues clarified. If and when the Motion is refiled,

Plaintiff should make clear exactly what he seeks Fidelity Investments to produce to him.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to a District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

Date: November 12, 2014

BY THE COURT,

/s/ Maureen P. Kelly
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Douglas E. Humphrey
CL-4146
SCI Fayette
SPECIAL MAIL – OPEN ONLY IN
THE PRESENCE OF THE INMATE
P.O. Box 9999
LaBelle, PA 15450-0999

All counsel of record via CM/ECF